

MC

EJI-Carnesafe

DIRECT INDICTMENT

Clerk No. 22SC185426

FULTON SUPERIOR COURT

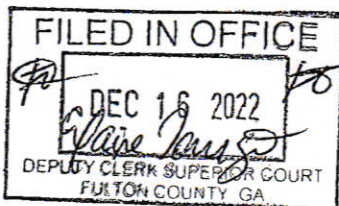
THE STATE OF GEORGIA

V.

SUNG H KIM
DA #: 19DA01088

1 INVOLUNTARY MANSLAUGHTER
O.C.G.A. § 16-5-3(A)

2 VIOLATION OF OATH BY PUBLIC OFFICER
O.C.G.A. § 16-10-1



true BILL
December 16, 2022

Gr in

Grand Jury Foreperson

PERSONID: 6802572

Fani T. Willis

FANI T. WILLIS, District Attorney

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

Defendant

Attorney for Defendant

Assistant District Attorney

This ____ day of _____,

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

Defendant

Attorney for Defendant

Assistant District Attorney

This ____ day of _____,

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads _____ Guilty.

Defendant

Attorney for Defendant

Assistant District Attorney

This ____ day of _____,

STATE OF GEORGIA, COUNTY OF FULTON
IN THE SUPERIOR COURT OF SAID COUNTY

THE GRAND JURORS, selected, chosen and sworn for the County of Fulton, to wit:

- | | |
|------------------------------------------|--------------------------------|
| 1. EVAN MILLER, Foreperson | 14. JADA PROFIT |
| 2. SHAQUONIA GORDON, Asst. FP | 15. ASHLEY RADER |
| 3. JON PITTS, Secretary | 16. JORDAN RAYMOND |
| 4. JESSICA KRASINSKI, Asst. Sec. | 17. RACHEL ROBINSON |
| 5. PARVIN ALAËI | 18. LINDSEY STRIKA |
| 6. MARK BLEICHNER | 19. CAROL WALKER-SCHRADER |
| 7. RONNIE COER | 20. TINA TILLMAN |
| 8. PAIGE DUNANS | 21. MEGAN WANDEL |
| 9. JACQUELINE DANIEL | 22. DALE WILLIAMS |
| 10. WILLIAM ISLAND | 23. TERRY WHITEHOUSE |
| 11. DESHAWN JACKSON | 24. ELIZA LOWERY |
| 12. CHRISTINA KENNEDY | 25. PRIYA SHANMUGAM |
| 13. CALEB LEVIN | 26. MORGAN KEPPLE |

in the name and behalf of the citizens of Georgia, do charge and accuse **SUNG H KIM** with the offense of **INVOLUNTARY MANSLAUGHTER O.C.G.A. §16-5-3(a)**, for the said accused, in the County of Fulton and State of Georgia, on the **22nd day of January, 2019**, caused the death of Jimmy Atchison, a human being, without any intention to do so by the commission of an unlawful act other than a felony, to wit: **Reckless conduct causing harm to or endangering the bodily safety of another, O.C.G.A. § 16-5-60(b)**, said unlawful act other than a felony being committed when **Sung H Kim** entered 3049 Middleton Road, Apartment 343, Atlanta, Georgia, in violation of the operation plan prepared for the January 22, 2019 effort to arrest Jimmy Atchison, causing bodily harm to or endangering the bodily safety of Jimmy Atchison by consciously disregarding a substantial and unjustifiable risk that said accused's act or omission would cause harm or endanger the safety of Jimmy Atchison and that said disregard constituted a gross deviation from the standard of care which a reasonable person would exercise in the situation, contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 2 of 2

and the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, do charge and accuse **SUNG H KIM** with the offense of **VIOLATION OF OATH BY PUBLIC OFFICER O.C.G.A. §16-10-1**, for the said accused, in the County of Fulton and State of Georgia, on the **22nd day of January, 2019**, did willfully and intentionally violate his oath as prescribed by law, a true and correct copy of which is attached hereto as "Exhibit A" and which required him to "in all cases conform to... the criminal laws of the State of Georgia," said oath being violated when the accused committed the criminal offense of **Reckless Conduct causing harm to or endangering the bodily safety of another, O.C.G.A. § 16-5-60(b)**, as alleged in Count 1 of this indictment.

and further, as to the offense charged in Count 2, the period in which a prosecution must be commenced under O.C.G.A. § 17-3-1 and other applicable statutes does not include the dates beginning March 14, 2020, and ending June 30, 2021, pursuant to the Supreme Court of Georgia Order Declaring Statewide Judicial Emergency issued on March 14, 2020, and subsequent Orders Extending Declaration of Statewide Judicial Emergency issued on April 6, May 11, June 12, July 10, August 11, September 10, October 10, November 9, and December 9, 2020, and January 8, February 7, March 9, 2021, April 8, 2021, May 8, 2021, and June 7, 2021

FANI T. WILLIS, District Attorney



EXHIBIT A

OATH OF OFFICE

I, SUNG H. KIM, A CITIZEN OF THE UNITED STATES OF AMERICA AND BEING AN EMPLOYEE OF THE CITY OF ATLANTA, AND THE RECIPIENT OF PUBLIC FUNDS FOR SERVICES RENDERED AS SUCH EMPLOYEE, DO HEREBY SOLEMNLY SWEAR AND AFFIRM THAT I WILL SUPPORT AND COMPLY WITH THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF GEORGIA; AND THE LAW ENFORCEMENT CODE OF ETHICS.

I FURTHER SWEAR THAT DURING MY CONTINUANCE IN OFFICE I WILL, TO THE BEST OF MY SKILL AND ABILITY, FAITHFULLY DISCHARGE ALL THE DUTIES REQUIRED OF ME AS A POLICE OFFICER, AND EXECUTE THE ORDERS OF MY SUPERIOR OFFICERS, AND IN ALL CASES CONFORM TO AND ENFORCE THE CRIMINAL LAWS OF THE STATE OF GEORGIA, THE ORDINANCES OF THE CITY OF ATLANTA, AND OBEY THE RULES GOVERNING THE POLICE DEPARTMENT AND REPORT ALL VIOLATIONS OF SAME THAT MAY COME TO MY KNOWLEDGE. I WILL NOT PERSECUTE THE INNOCENT, NOR HELP TO SHIELD THE GUILTY, NOR WILL I BE INFLUENCED IN THE DISCHARGE OF MY DUTY BY FEAR, FAVOR, OR AFFECTION, REWARD OR THE HOPE THEREOF; AND IN ALL MY DOINGS I WILL BE GOVERNED BY THE LAWS, RULES AND ORDINANCES APPLICABLE TO THE POLICE DEPARTMENT, SO HELP ME GOD!

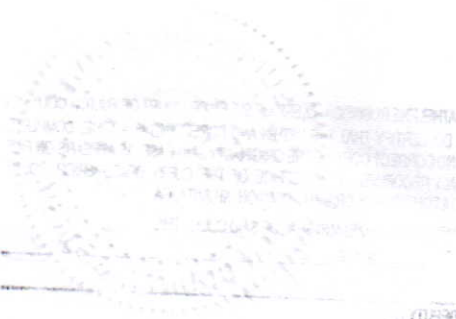
SWORN TO & SUBSCRIBED BEFORE ME

THIS THE 5th DAY OF APRIL, 19 93

Sandra Kay Padgett

NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA

32-104A Rev. 3/89



CATHERINE ROBINSON, CLERK OF SUPERIOR COURT OF FULTON COUNTY, GEORGIA
I, DO CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE, COMPLETE
AND CORRECT COPY OF THE ORIGINAL IN SAID CASE, AS APPEARS ON FILE
AND RECORDED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT
FULTON COUNTY, CRIMINAL DIVISION, ATLANTA, GA.
WITNESS MY HAND AND SEAL OF SAID COURT THIS
09 DAY OF January, 2023
Catherine Robinson
DEPUTY CLERK